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9 **UNITED STATES BANKRUPTCY COURT**
10 **EASTERN DISTRICT OF WASHINGTON**

11 In re:

12 GIGA WATT, Inc., a Washington
13 corporation,
14 Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

**MOTION OF THE CHAPTER 11
TRUSTEE FOR AN ORDER (I)
APPROVING ML AND EDH
SETTLEMENT AND GRANTING
RELATED RELIEF AND (II)
SHORTENING TIME THEREON**

16 Mark D. Waldron, in his official capacity as the Chapter 11 Trustee (the
17 “Trustee”), hereby moves (the “Motion”) the Court pursuant to 11 U.S.C. §§ 105,
18 363 and 554, Fed. R Bankr. Proc. 2002, 6004 and 9019 and L.B.R. 2002-1,
19 6004-1 and 9019-1 for an Order, as proposed in Exhibit A attached hereto,
20 approving that certain *Settlement Agreement and Release* (the “Settlement
21 Agreement”) between (i) the Trustee, on behalf of the estate, (ii) Ryan Oster, Giga
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23 Chapter 11 Trustee’s Motion for
24 Order (i) Approving ML and EDH Settle-
25 ment and Granting Related Relief, etc. - Page 1

1 Plex LLC, MLDC 1 LLC, Q5 Plex, LLC, and East Wheeler Development LLC
2 (collectively and individually, the “ML Landlords”) and (iii) EcoDiversified
3 Holdings, Inc. (“Diversified”). A copy of the Settlement Agreement is attached
4 hereto as Exhibit B. The Motion is supported by the *Memorandum of Points and*
5 *Authorities in Support of Motion of the Chapter 11 Trustee for an Order (i)*
6 *Approving ML and EDH Settlement and Granting Related Relief and (ii)*
7 *Shortening Time Thereon* (the “Memorandum”) and the *Declaration of Mark D.*
8 *Waldron in Support of Motion of the Chapter 11 Trustee for an Order (i)*
9 *Approving ML and EDH Settlement and Granting Related Relief and (ii)*
10 *Shortening Time Thereon*, filed herewith. The Settlement is described in the
11 Memorandum.

12 WHEREFORE, the Trustee respectfully requests entry of an Order:

- 13 1. Granting the Motion;
- 14 2. Approving the Settlement Agreement and authorizing the Trustee to
15 perform pursuant to the Settlement Agreement;
- 16 3. Waiving the stay set forth in Bankruptcy Rule 6004(h) to the extent it
17 is applicable and providing for the Order to be effective immediately upon entry;
18 and

19 *[This Motion continues on the next page.]*
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1 4. Granting such other and further relief as the Court deems necessary
2 and just.

3 Dated: September 23, 2020

POTOMAC LAW GROUP PLLC

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5 By: /s/ Pamela M. Egan
Pamela M. Egan (WSBA No. 54736)

6 *Attorneys for Mark D. Waldron, Chapter 11*
7 *Trustee*
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